

BEST AVAILABLE COPY**REMARKS**

Reconsideration and allowance of the application are respectfully requested in light of the forgoing amendments and the following remarks. Applicant has carefully studied the final Office Action mailed September 19, 2006. The amendments appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, the patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Office Action by centered headings that correspond to the centered headings employed by the Office, to ensure full response on the merits to each finding of the Office.

Claims 1-24 were pending and under examination in the previous Office Action. Claims 17 and 18 have been amended to correct typographical errors. No claims have been canceled or added. Consequently, claims 1-24 are pending and under examination in the present Office Action.

Status of Outstanding Rejections

The Office Action dated August 25, 2005 objected to claim 18 and rejected claims 1-21 under 35 U.S.C. 112, 1st paragraph (one rejection to claims 1-21 and one rejection to claim 7). Applicant responded to the objection and rejections in Applicant's Amendment A filed Dec. 23, 2005 on pages 7-9. The rejections were not repeated in the Office Action dated February 24, 2006 nor was it indicated that the rejections were withdrawn. Applicant presumes that the rejections have been withdrawn. However, Applicant respectfully requests clarification of the status of the rejections to ensure a full and complete record.

Claim Rejections – 35 USC § 103(a)**U.S. Patent No. 5,572,625 in view of U.S. Patent No. 6,085,161**

Claims 1-9 and 17-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,572,625 to Raman et al. ("Raman") in view of U.S. Patent No. 6,085,161 to MacKenty et al. ("MacKenty"). Applicant respectfully traverses

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this rejection on the grounds that (1) one or more essential elements are missing from the combination of references and (2) the Office has failed to address the reasonable expectation of success.

The Office has not made a *prima facie* case of obviousness, nor is the present invention rendered obvious by the relied upon references. To support a rejection under 35 USC §103(a) a *prima facie* case of obviousness must be made. MPEP §2143 states:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In making the *prima facie* case "the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references."¹ *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). While the first prong of the analysis, addressing the motivation to combine the prior art, indicates that the suggestion or motivation to make the combination can come from the references themselves or from the knowledge generally available to one of ordinary skill in the art, the third prong requires that each of the limitations in the claim must be found in, or suggested by, the prior art relied upon in making the rejection with specificity as to where these limitations can be found. In other words, "all the claim limitations must be taught or suggested by the prior art."²

Claim 1 is directed to "[a] screen reader software product comprising a screen reader module communicatively coupled with resident software on a computer..." Independent claims 17-19 are similarly directed. As recognized by the Office, Raman does not teach a screen reader module.³ Thus, Raman fails for at least the reason that Raman does not teach a screen reader module as required by the claims. The Office has sought to establish a *prima facie* case of obviousness by reliance on MacKenty for the missing element of the screen reader module. However, MacKenty fails to supply the

¹ See MPEP 2143 citing *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

² MPEP 2143.03

³ Office Action dated September 19, 2006, page 2, final full sentence.

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element missing from Raman, namely the screen reader module. In fact, MacKenty explicitly states that they do not teach a system using a screen reader.⁴

MacKenty teaches away from a screen reader module. As was indicated previously, the phrase "screen reader" is a term of art. Some have defined this as a "text-to-speech system, intended for use by blind or low-vision users, that speaks [or otherwise displays] the text content *of a computer display*." (emphasis added)^{5,6,7} Thus, a screen reader is concerned with the text content, or a specific portion of the text content, *as displayed on a computer screen*. On the first page of the specification it was stated:

Typically, visual information is displayed upon a monitor screen and data can be added or manipulated via keystrokes upon an associated keyboard. Feedback is provided visually to the user by the monitor screen. Blind users cannot utilize the information appearing upon the monitor screen while visually impaired users may experience difficulty doing so. Accordingly, screen readers have been developed to assist blind and visually impaired users when they use a personal computer.

Screen readers therefore are systems that output the contents of the computer screen, or a defined portion thereof, to a user, typically one who is blind or vision-impaired, regardless of the nature of the underlying application. Additionally, they create an interface that allows a user to modify that text. They do not require that application or other document to be converted to a different format to be output. Additionally, it is only that which appears on the screen, or a relevant portion thereof, that is output, not the entire document or application.

MacKenty is not concerned with the content of a computer display or the text content as it is displayed on a computer screen. MacKenty states:

The present invention presents HTML documents to the user as a linear stream of audio information. The division of text into lines on a page used by visual representations of documents is avoided. *This differs from the existing systems, called "screen readers," that use synthesized speech output to represent information on a computer screen. Such screen readers depend upon*

⁴ U.S. Patent No. 6,085,161 to MacKenty at col. 1, line 47.

⁵ The Free On-line Dictionary of Computing, © 1993-2005 Denis Howe, accessed on the internet via Dictionary.com on Thursday, November 03, 2005.

⁶ See also <http://www.umuc.edu/ade/glossary.html> - "A screen reader is a software program that uses a synthetic voice to read a computer screen out loud. Computer users who are visually impaired or blind often use screen readers to navigate the Web. Two popular screen reader programs are JAWS for Windows and Window-Eyes."

⁷ See also <http://www.buffalostate.edu/offices/disabilityservices/glossary.htm> defining screen reader as "a software/hardware system that allows a person with a visual or print impairment to attain access to printed material on a computer screen. Output for the user can be both tactile and/or auditory."

the screen layout of a document, and require the user to understand and follow that layout to navigate within a document. *The present invention avoids the visual metaphor of a screen* and represents documents the way they would sound when read aloud, not the way they appear visually. That is, the present invention presents documents to users in a linear fashion, yet allows users to skip to other sections or paragraphs within the document at any time. The user interacts with documents using their semantic content, not their visual layout. (emphasis added)⁸

Thus, MacKenty does not teach a screen reader, and one of skill in the art would not be motivated to adopt a screen reader based upon the drawbacks MacKenty purports the system to possess. MacKenty fails to supply the elements (recited in independent claims 1, and 17-19) missing from Raman as would be necessary to establish a *prima facie* case of obviousness. Dependent claims 2-9 and 20-23 are allowable as a matter of law through incorporation of limitations from one or more allowable base claims, namely claim 1 or 19. Furthermore, it is noted that the Office did not address the reasonable expectation of success in rejecting claims 1-9 and 17-23 under 35 U.S.C. 103(a) as being unpatentable over Raman in view of MacKenty. It is therefore respectfully requested that the Office withdraw the rejection of claims 1-9 and 17-23 under 35 U.S.C. 103(a) as being unpatentable over Raman in view MacKenty.

U.S. Patent Nos. 5,572,625 and 6,085,161 in view of U.S. Pub. No. 2002/0105496

Claims 10-13, 15 and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,572,625 to Raman et al. ("Raman") and U.S. Patent No. 6,085,161 to MacKenty et al. ("MacKenty") in view of U.S. Pub. No. 2002/0105496 to Giuliani et al. ("Giuliani"). Applicant respectfully traverses this rejection on the grounds that (1) one or more essential elements are missing from the combination of references and (2) the Office has failed to address the reasonable expectation of success.

One or more essential elements are missing from the combination of references. Claims 10-13, 15 and 24 and 27 are dependent upon either independent claim 1 or 17. As indicated above, both claims 1 and 17 recite the limitation of a screen reader module, which the combination of Raman and MacKenty fail to show as discussed above. Giuliani also fails to show "a screen reader module communicatively coupled with resident software on a computer, the reader module adapted to collect textual and non-

⁸ U.S. Patent No. 6,085,161 to MacKenty at col. 1, lines 44-59.

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textual display information generated by the resident software...” Consequently, the Giuliani published application fails to resolve the deficiencies of the combination of Raman and MacKenty. Claims 10-13, 15 and 24 and 27 are therefore patentable over Raman and MacKenty in view of Giuliani.

The Office is silent as to the reasonable expectation of success. This must be addressed in establishing a prima facie case as indicated in MPEP 2143.

It is therefore respectfully requested that the Office withdraw the rejection of claims 10-13, 15 and 24 under 35 U.S.C. 103(a) as being unpatentable over Raman and MacKenty in view Giuliani.

U.S. Patent Nos. 5,572,625 and 6,085,161 in view of U.S. Patent No. 4,836,784

Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,572,625 to Raman et al. (“Raman”) and U.S. Patent No. 6,085,161 to MacKenty et al. (“MacKenty”) in view of U.S. Patent No. 4,836,784 to Burchart et al. (“Giuliani”). Applicant respectfully traverses this rejection on the grounds that (1) one or more essential elements are missing from the combination of references and (2) the Office has failed to address the reasonable expectation of success.

One or more essential elements are missing from the combination of references. Claim 14 is dependent upon independent claim 1. As indicated above, claim 1 recites the limitation of a screen reader module, which the combination of Raman and MacKenty fail to show as discussed above. Burchart also fails to show “a screen reader module communicatively coupled with resident software on a computer, the reader module adapted to collect textual and non-textual display information generated by the resident software...” Consequently, the Burchart patent fails to resolve the deficiencies of the combination of Raman and MacKenty. Claim 14 is therefore patentable over Raman and MacKenty in view of Burchart.

The Office is silent as to the reasonable expectation of success. This must be addressed in establishing a prima facie case as indicated in MPEP 2143.

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It is therefore respectfully requested that the Office withdraw the rejection of claim 14 under 35 U.S.C. 103(a) as being unpatentable over Raman and MacKenty in view Burchart.

U.S. Patent Nos. 5,572,625 and 6,085,161 in view of U.S. Patent No. 5,186,629

Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,572,625 to Raman et al. ("Raman") and U.S. Patent No. 6,085,161 to MacKenty et al. ("MacKenty") in view of U.S. Patent No. 5,186,629 to Rohen ("Rohen"). Applicant respectfully traverses this rejection on the grounds that (1) one or more essential elements are missing from the combination of references and (2) the Office has failed to address the reasonable expectation of success.

One or more essential elements are missing from the combination of references. Claim 16 is dependent upon independent claim 1. As indicated above, claim 1 recites the limitation of a screen reader module, which the combination of Raman and MacKenty fail to show as discussed above. Rohen also fails to show "a screen reader module communicatively coupled with resident software on a computer, the reader module adapted to collect textual and non-textual display information generated by the resident software..." Consequently, the Rohen patent fails to resolve the deficiencies of the combination of Raman and MacKenty. Claim 14 is therefore patentable over Raman and MacKenty in view of Rohen.

The Office is silent as to the reasonable expectation of success. This must be addressed in establishing a prima facie case as indicated in MPEP 2143.

It is therefore respectfully requested that the Office withdraw the rejection of claim 14 under 35 U.S.C. 103(a) as being unpatentable over Raman and MacKenty in view Rohen.

Response to Arguments

Applicant thanks the Examiner for considering the arguments made in the response filed May 19, 2006, and, upon consideration of those arguments, withdrawing the rejections in the Office Action dated February 24, 2006.

BEST AVAILABLE COPY***Conclusion***

The application is believed to be in condition for allowance, and prompt, favorable action thereon is earnestly solicited. Should Examiner Muhebbullah feel that any other point requires consideration, then she is cordially invited to contact the undersigned at (813) 925-8505.

Very respectfully,
SMITH & HOPEN

/michael m mcgaw/

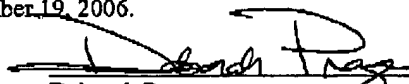
Dated: December 19, 2006

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CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R.8(a))

I HEREBY CERTIFY that this Amendment B including Amendments to the Claims and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Attn.: Sajeda Muhebbullah, Art Unit 2174, (571) 273-8300 on December 19, 2006.

Date: December 19, 2006


Deborah Preza